



05-12-05

AF 1636  
#

Express Mail No. ED 643 352 624 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Barber, Elizabeth K. Confirmation No.: 4008  
Serial No.: 09/966,264 Art Unit: 1636  
Filed: September 28, 2001 Examiner: KAUSHAL, Sumesh  
For: GENE EXPRESSION CONTROL Attorney Docket No: 896034-605001  
DNA ELEMENT AND ASSOCIATED  
PROTEIN

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

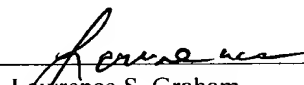
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated January 10, 2005 of the Primary Examiner finally rejecting claims 1-5, 8-14, 16-18, 37 and 38 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for one month(s):  
☐ was filed on  
☒ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☐ A fee in the amount of \$500.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☒ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-2468. A copy of this sheet is enclosed.

Respectfully submitted,

Date: May 10, 2005

  
Lawrence S. Graham  
JONES DAY49,020  
(Reg. No.)

05/13/2005 EFLORES 00000026 502468 09966264  
01 FC:2401 250.00 DA

222 East 41st Street  
New York, New York 10017  
(212) 326-3939